

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 9th day of February 2015 A.D. at 7:00 p.m.

President deMedeiros opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Denise M. deMedeiros - President	Jay J. Lambert	Peter A. Mello
	Joan B. Chabot – Vice President	Brett N. Pelletier- Late	David Perry
	Joseph R. Sousa		

Town Administrator, Matthew Wojcik and Town Solicitor, Andrew M. Teitz were also present.

President deMedeiros noted due to the weather, the Oath of Office for Fire Fighter Gordon J. Simard will be conducted at the Council meeting on February 23. President deMedeiros thanked all the departments involved with the recent blizzard- Fire Department especially Chief Lloyd and Captain Reimels, Chief Blakey, the DPW, Tanya (shelter volunteer), maintenance men Phil Ferreira and Manny Fontes. Very proud of the way the Town came together and responded, thanked all on behalf of the Council.

Approval of Consent Agenda:

All items listed with “(CA) are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

President deMedeiros read the items on the Consent Agenda. Councilor Perry requested removal of items CA 6 through 8, Councilor Chabot requested removal of Council minutes, CA1b and CA1d.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Approve the rest of the items on the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Executive Session Minutes November 24, 2014
- c. Approval of Executive Session Minutes of December 22, 2014
- e. Approval of Executive Session Minutes January 12, 2015
- f. Approval of Joint Workshop with S/C and B/C Minutes January 14, 2015
- g. January 26, 2015 Meeting Cancelled Due to Blizzard
- h. January 27, 2015 Council Workshop Cancelled Due to Blizzard
- i. Approval of Special Council Meeting Minutes December 11, 2014

A-2-Receipt of Minutes from the Following Boards, Commissions:

- | | | |
|----------------------------------|---|-----------------------|
| a. Tiverton Prevention Coalition | d. Historic Preservation Advisory Board | g. Planning Board (4) |
| b. Library Trustees | e. Recycling/Landfill Committee (4) | |
| c. Budget Committee | f. Street Advisory Committee | |

A-3-Correspondence – Receive and File:

- a. South Kingstown Acknowledging Tiverton Town Council Resolution Regarding Rhode Map RI
- b. Newport County Chamber Meeting Dates and Agenda Items for 2015
- c. Peter Moniz–Request Council Address Disposition of Essex Library- Referred to T/A and Solicitor
- d. Peter Moniz – Recommendations Regarding Tax Stabilization Program

e. Town of Foster Resolution Requesting Postponement of RhodeMapRI

f. Tiverton Prevention Coalition News

A-4-Approval of Tax Assessor Abatements

A-5-Treasurer Denise Saurette

a. Distribution of Budget & Revenue Reports December 2014

b. Quarterly Budget Report Summary for December 31, 2014 Submitted to Division of Municipal Finance and Auditor General

BUSINESS BROUGHT BEFORE THE COUNCIL

CA-6-Town Administrator – Distribution of Building Improvement Needs List

Councilor Perry plans to put this item on a future agenda for further discussion.

CA-7-DPW Director Stephen Berlucchi – Update Status on Main Road/State Road Town Line Sign - Memorandum from DPW Director Stephen Berlucchi

Councilor Perry noted the School Department has taken on this project.

CA-8-DPW Director Memo in Response to Councilor Perry Regarding Update on William Barton Estates

Councilor Perry requested input from DPW Director Steve Berlucchi, will put on a future agenda.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve items CA6 through CA8. Motion passed unanimously.

CA-1-Approval of Minutes of Previous Meetings:

b. Approval of Regular Council Meeting Minutes December 22, 2014

Councilor Chabot requested item D2-Resignation of Natalie Cote, page 3 of the December 22, 2014 Council minutes be amended to add, Motion passed unanimously.

d. Approval of Regular Council Meeting Minutes January 12, 2015

Councilor Chabot requested page 10, second paragraph, the end of the line be amended to add, Motion passed unanimously.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Approve CA1b, Regular Council Meeting Minutes December 22, 2014 and CA1d, Regular Council Meeting Minutes January 12, 2015 as amended. Motion passed unanimously.

Before going any further President deMedeiros noted the support for Project Purple, some people wearing purple. Thanked Barbara Pelletier for the banner and ribbons.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

PUBLIC PRESENTATION

1. Mary Sahady, Hague, Sahady & Co. P.C. – Presentation of Audit Report 6/30/2014

President deMedeiros explained, due to the weather the Presentation of the Audit was moved to the next agenda.

ADVERTISED PUBLIC HEARINGS

2. Alcoholic Beverages – Town Code of Ordinances Chapter 6 – Proposed Amendments to Authorize and Regulate a New BYOB License to Serve Alcohol Brought in by Patrons Also Known as BYOB

a. Proposed Amendments

b. Additional Proposed Amendments

President deMedeiros noted it was suggested to continue the Public Hearings to the next agenda due to the weather giving more people the opportunity to speak. President deMedeiros opened the Public Hearing to the public. Solicitor Teitz called attention to the two drafts, the original and the amended. Do have a second aspect, brought to attention events not having a victualling license, so the second part was added for public safety. President deMedeiros called for comment from the public three times, hearing none called for a motion.

Councilor Pelletier made a motion, seconded by Councilor Chabot to continue the Public Hearing on Alcoholic Beverages – Town Code of Ordinances Chapter 6 – Proposed Amendments to Authorize and Regulate a New BYOB License to Serve Alcohol Brought in by Patrons Also Known as BYOB to February 23, 2015. Motion passed unanimously.

3. Taxation – Town Code of Ordinances Chapter 74 – Proposed Amendments to Section 74-48 Which Regulates the Amount of Exemption for Elderly Low Income Taxpayers Based on Annual Income

a. Correspondence (3) Received from Cheryl and Edward Saber, Peter Moniz and Councilor Chabot

President deMedeiros called for public comment three times. Peter Moniz, Captain's Circle requested the Board discuss the proposal by the Assessor first. President deMedeiros explained this public hearing would also be continued to February 23 as well.

Councilor Pelletier made a motion, seconded by Councilor Sousa to continue the Public Hearing on Taxation – Town Code of Ordinances Chapter 74 – Proposed Amendments to Section 74-48 which regulates the Amount of Exemption for Elderly Low Income Taxpayers Based on Annual Income to February 23, 2015. Some discussion followed, Councilor Sousa, not having a lot of time for review requested more data on the increase. Would like to see it for the people who really deserve it. Councilor Pelletier noted the spreadsheet on the back right hand side had comparison calculations. Data is probably based on historical performance and census data. Dave Robert, Tax Assessor, affirmed was using the latest census data. Mr. Robert will review the data again. Motion passed unanimously.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:

1. John Skrzypiec, 48 Island View Drive - Requests Approval of Private Detective License

a. Recommendation of Police Chief

President deMedeiros expressed thanks to the Chief and the Police Department for their service during the recent blizzard. Chief Blakey requested this application be tabled, the applicant has other matters pending, should wait until resolved.

Councilor Pelletier made a motion, seconded by Councilor Perry to continue to February 23, 2015 the request from John Skrzypiec, 48 Island View Drive for Approval of Private Detective License. Motion passed unanimously.

2. DOLGEN Rhode Island, LLC dba Dollar General Store #15751, 567 Main Road – Requests Approval of Holiday and Tobacco Licenses – Subject to Meeting All Legal Requirements

Town Clerk Nancy Mello explained will not issue without clearances, just heard from the Building Official's office today. Chief Lloyd just finished inspecting; they have met all the obligations for the fire code. Chief Blakey also stopped by there to get contact information. Town Clerk Mello added when the application was filed they were not sure of the opening date. Solicitor Teitz suggested granting issuance subject to meeting all legal requirements.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Approve a Holiday License and a Tobacco License to DOLGEN Rhode Island, LLC dba Dollar General Store #15751, 567 Main Road Subject to Meeting All Legal Requirements. Some discussion followed, Councilor Pelletier questioned why the applications were dated from October and January. Town Clerk explained they had some problems after they submitted the application in October. Councilor Chabot questioned if they had a certificate of occupancy. Town Clerk explained the clerk in the Building office had the paperwork. Motion passed unanimously.

D-APPOINTMENTS & RESIGNATIONS:

1. Tree Warden – Annual Appointment John Manchester, 2970 Main Road

Town Administrator Wojcik requested this item be continued in order to have Mr. Manchester answer a question from the Conservation Commission before going forward. Councilor Sousa noted, since all boards and commissions report to the Administrator, the Conservation Commission should be contacting the Administrator.

T/ A Wojcik was defending the Committee to get an answer to some questions. President deMedeiros suggested continuing to February 23.

Councilor Perry made a motion, seconded by Councilor Mello to continue the Tree Warden Annual Appointment to February 23, 2015. Councilor Sousa requested Administrator Wojcik contact Mr. Manchester to straighten this out. Town Clerk Mello explained the State requires this appointment every January, had been on the January 26 agenda. The motion to continue passed on a vote of 4-3, Councilors Sousa, Chabot and Pelletier opposed.

2. Roger F. Winiarski – Request Appointment to Harbor & Coastal Waters Management Commission Unexpired Term to 7/15/15

Mr. Winiarski has been a resident since 1955, was in the Navy, has been on the Harbor Commission on and off since the 80's, graduate of the RI Harbormaster course and RI Reserve Officer Training Academy. President deMedeiros thanked Mr. Winiarski for his service.

Councilor Sousa made a motion, seconded by Councilor Chabot to Appoint Roger F. Winiarski to the Harbor & Coastal Waters Management Commission for an Unexpired Term to 7/15/15. Motion passed unanimously.

3. Gary Rose – Resignation Effective February 3rd from Recreation Committee

President deMedeiros thanked Mr. Rose, has done a lot for the Town. Thanked him for the years of dedication.

Councilor Pelletier made a motion, seconded by Councilor Sousa to accept with regret the resignation of Gary Rose from the Recreation Committee and thank him for decades of service to the youth of Tiverton. Motion passed unanimously.

E-UNFINISHED BUSINESS:

1. Town Clerk - Scheduling of Possible Workshop Regarding Streets on March 30, 2015

a.DPW Director Berlucchi - Report on Street Committee Meeting Regarding Ownership and Services on Cynthia Avenue – Continued per Request of Steve Berlucchi b.Town Clerk - Postponement of Public Input Hearing on Indian Hill Road, Sawdy Pond Avenue and Old Bulgarmarsh Road

c.Memo Received From Street Advisory Committee Regarding Cynthia Ave, Riverscape Lane, Lawrence Court and Winterberry Estates d.Request of Donna Clark Regarding Edmond Lane e.Grace Street

Town Clerk Mello has been getting numerous street issue, people referred to the Street Committee are being referred back to the Council. Town Clerk Mello suggested a workshop, can't take all in one night, just bring forth as seen fit. President deMedeiros noted the need for the budget meetings now, have to have a final budget in by March 4. Need some workshops as the Council will also be working on the legal services proposals. Suggested postponing the zoning workshop scheduled for February 17, point of the Street Committee is to do the research. Councilor Chabot noted items b & c had recommendations, requested action by the Council. Street Committee member Rosemary Eva explained Edmond Lane had some discussion, inclined to resign from this committee. President deMedeiros suggested a workshop just for Cynthia Avenue; Street Committee cannot get a quorum. Ms. Eva noted some on Lawrence Court will not sign the agreement; Winterberry Estates does not have a Homeowner's association. Councilor Pelletier suggested getting more information from both sides; the Street Committee should have all the backup, documents and agreements. Ms. Eva did not recall Grace Street coming before the committee. Town Clerk Mello received an email from Director Berlucchi noting this is a grass driveway. T/A Wojcik explained this was off High Hill Road, is a constituent request. Director Berlucchi explained has no authority to go on anything other than a public street.

President deMedeiros suggested March 30 for a workshop on just Cynthia Avenue. Councilor Sousa questioned if the DPW has the authority to make this call in cutting off streets. Solicitor Teitz opined yes and no to the extent he has the authority and responsibility to plow public streets and not private and unaccepted private streets. Only the Council can decide on whether it is a public street can be accepted for purpose of maintenance, not even the Planning Board can do this. In some cases makes sense to accept for the purpose, as in the case of Lawrence

Court want some acceptance from the owners, take on a case by case basis, have no obligation to do the private part. Chief Blakey questioned how much support the Council would give emergency services in certain conditions when a decision has to be made. Councilor Perry supported if a life or death decision, Councilor Chabot agreed, President deMedeiros trusted the Chief's judgment. Chief Blakey would contact the T/A in those cases and make a determination.

Councilor Perry made a motion, seconded by Councilor Sousa to put Cynthia Avenue on the March 30 workshop agenda. Motion passed unanimously.

President deMedeiros called for a motion to have future workshop on all the other streets listed. Town Clerk Mello will email the Street Committee, but will not send letters. Councilor Chabot noted Edmond Lane and Grace Street have not been reviewed by the Street Committee, all the others have recommendations. Town Clerk Mello explained Edmond Lane was before the Committee, they said come to the Council. The Clerk will work with Director Berlucchi to filter some to the Council. Councilor Sousa planned to attend the Committee meeting on February 18.

Councilor Pelletier made a motion, seconded by Councilor Perry to continue all the rest of the streets listed for dates to be set at the discretion of the Town Clerk. Motion passed unanimously.

F-FINANCIAL BUSINESS:

1. Town Administrator – Request \$7,415 from Council Contingency to Pay Hoffman Engineering, Inc., for Closure of Underground Storage Tank on Riverside Drive

Administrator Wojcik explained, over the summer one of the Harbor Commission members brought attention to finding a metal fuel cap on Riverside Drive. Hoffman Engineering found the old underground storage tank buried under the soil. It was still structurally sound, DEM allowed the Town to close in place using flowable fill. Certified as closed, looking to pay the \$7,415 invoice from Council Contingency. Councilor Chabot questioned how much would be left in Council Contingency after this. Administrator Wojcik noted approximately \$11k.

Councilor Lambert made a motion, seconded by Councilor Perry to pay \$7,415 to Hoffman Engineering, Inc., from Council Contingency as more fully described in the backup to item F1. Motion passed unanimously.

2. Town Administrator- Mooring Fee Refund Request- Chris Clarendon

Administrator Wojcik had supplied a memorandum in support of this request. Harbor Commission Chair Bruce Cox acknowledged Charles Lawrence as being the member who found the old storage tank. Chairman Cox explained Mr. Clarendon is an aqua culturist, commercial fisherman, is a Town resident and taxpayer, has been paying a commercial rate for the mooring. The mooring fees were analyzed found his mooring was misclassified as commercial. The definition of a commercial mooring is one that is rented to a third party. It has nothing to do with how a vessel is classified. It was a unanimous vote of the Harbor Commission to request a refund. Councilor Sousa questioned the Solicitor if the Council had the authority to make a refund that is not in the budget. Solicitor Teitz explained yes the Council could, is irregular, have the authority to give a refund or a credit, full or partial. Policy on taxes is the Council can go back three years if underpaid, had a situation like this years ago, recommended only going back three years. Councilor Lambert noted, should take on a case by case basis, should take out of Council Contingency. Mr. Cox noted no statutory obligation here, only for taxes.

Councilor Lambert made a motion, seconded by Councilor Chabot to reimburse Christopher Clarendon \$3,100 for the money miscalculation more fully set forth in the backup from F2. Some discussion followed. Solicitor Teitz suggested including in the motion where the funds are coming from. Councilor Pelletier agreed with the earlier suggestion, should come out of Council Contingency. Councilor Lambert added to the motion the funds will come out of Council Contingency, Councilor Chabot seconded the amended motion. Mr. Clarendon addressed the Council, the point of this was civic morality, could come to some sort of agreement on a refund versus a credit. Solicitor Teitz noted this was at the Council discretion. President deMedeiros reminded there was a motion on the floor. Councilor Chabot in referring to the credit portion, it would take a long time to pay that down, Councilor Pelletier agreed. The motion passed unanimously.

3. Councilor deMedeiros – Update on FY 2015/16 Budget

President deMedeiros suggested meeting again this Saturday, like to have Planning, Recreation, Administrator, Building and Zoning and an update on the library. Councilor Chabot recapped it would be this Saturday, February 14 at 9:00 a.m. Town Clerk confirmed it would be a special meeting. President deMedeiros agreed, suggested postponing the joint workshop on February 17.

NEW BUSINESS:

1. Town Administrator – Request Permission to Advertise for Code Enforcement Officer

Administrator Wojcik explained, back looking for a Code Enforcement Official (CEO) for Building, Zoning and as a Flood Plain Manager. Rhett Bishop is a retired building official appointed by the State; need someone on call 24/7. Temporarily assigned Neal Hall, Cumberland Building Official who may or may not apply for the position. Have been turnovers throughout the State, expect more responses. This advertising is different, states must be certified and have actual enforcement experience, will not interview unless the specific criteria is met.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Authorize Permission to Advertise for Code Enforcement Officer as more fully described in agenda item G1. Motion passed unanimously.

2. Town Administrator – Discussion Regarding Method to Address Fire Department Overtime

Administrator Wojcik suggested postponing this until Executive Session, can update at that point. President deMedeiros suggested putting this on the February 17 special meeting; Solicitor Teitz suggested it was better to have a motion. Town Clerk Mello affirmed this would be on that agenda along with the budget discussion.

Councilor Perry made a motion, seconded by Councilor Pelletier to continue to February 17, 2015 Special Meeting the Discussion Regarding Method to Address Fire Department Overtime. Motion passed unanimously.

3. Town Administrator – Request Approval of Town Planner Appointment and Employment Contract – Marc R. Rousseau

Administrator Wojcik updated on the process, asked the Council for clear guidance, a vote was taken. The majority voted to fill the position that had been through the Personnel Board process. The three finalists, all AICP certified with no less than 5 years' experience in similar communities. Mr. Marc Rousseau was an EDC Director in New Bedford, Planning Director in Easton, co-director of the MA Planning Association, a highly qualified individual. The contract has a clear emphasis on tasks including the Industrial Park (the Park). T/A Wojcik requested approval of the appointment of Mr. Rousseau as Town Planner and approval of the employment contract. Mr. Rousseau appreciated the comments, President DeMedeiros opened for questions from the Council.

Councilor Perry researched Mr. Rousseau's previous employment, came highly recommended. Questioned the difference between a Planner in RI and MA. Mr. Rousseau noted similarities, separate enabling legislation in RI, Comp Plan in RI has more weight, has read parts of the Comp Plan, all of the Zoning Ordinance, other related documents. Mr. Rousseau was also a consultant for other engineering companies on permitting through state agencies. Councilor Peter Mello asked a series of questions, Mr. Rousseau did not practice as a Master Planner in RI, knew the DEM regulations, getting more up to date with DOT. Very familiar with the principles at Statewide Planning, has some familiarity with affordable housing, familiar with CRMC and is very familiar with the GSI system, used it extensively in New Bedford. Councilor Sousa questioned T/A Wojcik, if this appointment goes forward what happens to the person serving as Planner, what happens to the Cecil Group. President deMedeiros noted there was no Town Planner and the Cecil Group is working on the Comp Plan update. T/A Wojcik, going forward has zeroed out all the budget requests for planning consultants. Kate Michaud resigned a while ago as Interim Planner. The Cecil Group is under contract for the Comp Plan update. Councilor Sousa wanted to make sure Mr. Rousseau would be up to speed, a lot of work needs to be done, was on the fence on a Planner appointment. T/A Wojcik explained the Council could ask Mr. Rousseau for an update every two weeks, hence the one year contract. Have the support for the Park from Commerce RI. Mr. Rousseau has successfully applied for Federal EDA facilities grants that would help on selling the Park. Councilor Sousa asked the Solicitor who would direct the Planner. The Planner would report to the Town Administrator as that position is a department

head. The Planner would also work to support the Planning Board with various routine tasks. Boards and Commissions fall under the Administrator would have to work together. Councilor Perry questioned if Mr. Rousseau has worked with Planning Boards. Mr. Rousseau affirmed, grew relationships with the Boards, points out options, starts the discussion, tries to stay neutral. Councilor Perry, has said in the past, would not hire a Planner without being updated monthly. Councilor Chabot noted that would be part of the T/A monthly report.

Councilor Chabot questioned if the T/A invited the Planning Board to the interviews. T/A Wojcik did not invite them this time. The duties of the Planner are driven largely by the T/A and Council priorities enumerated in public. Councilor Chabot questioned if this would eliminate Commonwealth Engineering. Administrator Wojcik explained the value of the relationship with Commonwealth has more than proven their worth caught mistakes and attempts to cheat the Town. They advise all boards. Councilor Chabot questioned if the Solicitor reviewed the contract. Solicitor Teitz did not have in time to discuss with the T/A, did note the contract referred to a 40 hour work week, expect Mr. Rousseau to attend night meetings with no compensation. Councilor Chabot noted it was specific, may be required to work longer than a 40 hour week with no additional compensation. Councilor Chabot noticed this contract did not have an appendix A with an outline of duties and responsibilities. That was replaced with an objectives section, would like to see an appendix A included with this contract. T/A Wojcik had included three specific priorities, Councilor Chabot agreed but for clarity the appendix should be included. T/A Wojcik suggested including as part of the motion adding the job description as appendix A. Councilor Chabot noted the T/A identified moving some funds coming out of the Future Needs account, has approximately \$20k, have already used some of those funds, expect that amount to be less. T/A Wojcik has used less than 1% of those funds. Councilor Chabot noted. \$10,465 would be coming out of Future Needs. T/A Wojcik noted this would be fully funded in next year's budget.

Councilor Peter Mello stated concern, Mr. Rousseau has not practiced as a municipal planner, knows some of the departments and laws in the State of RI. Gravely concerned about the Comp Plan, the proposed mall might not be qualified to understand all the laws. Councilor Pelletier questioned any other professional designations. Mr. Rousseau was has a real estate broker's license (inactive) and is a notary public in MA. Has experience with affordable housing, experience in setting up programs, worked with land trusts in Westport and Dartmouth to promote smart growth, see a lot of similarities here. Mr. Rousseau brings 25 years of experience in planning and economic development, knows colleagues in RI, have a tremendous amount of resources, has confidence in doing the job.

Councilor Pelletier made a motion to approve the appointment of the Town Planner, Marc R. Rousseau and to approve the contract to amend the additional language to reflect. Solicitor Teitz suggested two separate motions, one to approve the appointment and one to approve the contract. Councilor Pelletier rescinded that motion.

Councilor Pelletier made a motion to approve the appointment of a Town Planner, Marc R. Rousseau, AICP. The motion was seconded by Councilor Perry, some discussion followed. Councilor Chabot commented, will not be voting for a Town Planner at this point, has nothing against Mr. Rousseau who had an exemplary résumé. If this was in next year's budget fully funded would vote yes, only reason voting against is the budget concern taking out of future needs account. Councilor Sousa agreed, not knowing if this will be in the budget, assuming it will be, want Mr. Rousseau to be up to speed 5 months from now. Councilor Lambert noted, do not know when this will be a line item in this or any other budget just like any other department, voting based on today's facts. The motion passed on a vote of 5-2, Councilors Peter Mello and Chabot opposed.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Contract for Employment for Town Planner, Marc R. Rousseau to include the addition of Appendix A to reflect the advertised job description and amendments to the term commencing February 11, 2015, everything else to follow. The motion passed on a vote of 5-2, Councilors Peter Mello and Chabot opposed.

4. Town Administrator – Request Extension of Resolution Establishing Comprehensive Plan Advisory Committee

Administrator Wojcik explained the Comprehensive Plan Advisory Committee has not finished working yet; need an extension of the Resolution Establishing the Committee, just ministerial.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Renew the Resolution Establishing the Comprehensive Plan Advisory Committee as attached in item G4, to a sunset date of January 1, 2016. Motion passed unanimously.

Approved Resolution attached at end of minutes.

5. Councilor Sousa – Continued Discussion and Possible Vote on Future Action Relative to Possible Zoning Changes Along Main Road, Bulgarmarsh Road, Stafford Road and Crandall Road

President deMedeiros asked Councilor Sousa if he would consider continuing this item. Councilor Sousa sent a copy of a map, like all to consider presenting to the Comp Plan Committee for review. There are businesses along the roads in residential areas, would create more non-conforming uses, Just asking for review, will put on the next meeting. Councilor Pelletier pointed out some of those areas on the map are General Commercial. Councilor Sousa explained it would be in the area of Fish Road, Tiverton Auto Parts to the nursery on just that side. Councilor Chabot wondered about Sturdy Boat, Councilor Sousa called this a first draft; ask to put on the next meeting. Councilor Pelletier requested a current use table as well. Councilor Chabot did not have an updated code, Town Clerk Mello explained, that has not been codified but do have that document, is just not online. Will have copies of the map and a current use table for the next meeting.

6. Councilor Mello – Discussion on Legal Services RFP

Councilor Peter Mello received some calls regarding the amount of the liability required in the ad, some very concerned, questioned the T/A on what is required by the State. T/A Wojcik explained there was no State requirement. Councilor P. Mello noted most only have \$1million in liability insurance. Administrator Wojcik did not think the \$3million to be excessive to protect the Town. Councilor P. Mello was just letting the Council know the calls he received from attorneys were concerned about the \$3million. Solicitor Teitz, in response to an inquiry carries \$5million in liability insurance. Councilor Lambert commented, should be concerned what happens above this coverage, essentially the taxpayer becomes responsible. President deMedeiros noted as the Council reviews them they can decide. Councilor P. Mello and T/A Wojcik, for inquires they received told the attorneys they could still feel free to apply. Solicitor Teitz explained, the cost is incremental, varies on the type of firm, the number of attorneys and their rating. \$1million is no longer enough in today's world. The Town Clerk will include the cover page of the insurance premium. Councilor Chabot noted the Council can determine that is not a disqualifier. T/ A Wojcik recalled two instances in the State where it cost the taxpayer.

At this time, 9:30 p.m. Chief Blakey informed the Council the roads were very icy.

H-BIDS AND REQUESTS FOR PROPOSALS:

1.DPW Director Berlucchi – Request Award of Bid for New or Used Utility Truck Body to Aquidneck Machine, 52 Aquidneck Drive, Tiverton at a Price of \$8,150 for a Used Utility Truck Body

Administrator Wojcik explained there was just one bidder, will still be under the budgeted amount. This is just for a used truck body to put on a chassis.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Award the Bid for a New or Used Utility Truck Body to Aquidneck Machine, 52 Aquidneck Drive, Tiverton at a price of \$8,150. Motion passed unanimously.

2.DPW Director Berlucchi – Request Award for Purchase of Two Roll-Off Containers for the Landfill to East Coast RI of Johnston at a Price of \$10,400 for Both Containers

Administrator Wojcik explained, there was one bidder, will come out of the restricted recycling account.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Award the Purchase of Two Roll-Off Containers for the Landfill to East Coast RI of Johnston at a Price of \$10,400 for both containers coming out of the Restricted Recycling Account. Motion passed unanimously.

3. Chief Blakey – Request Permission to Advertise Bids for Animal Shelter Services

Chief Blakey explained this is the last year of the current contract, requesting permission to advertise. There are new owners of Sakonnet Vet, not sure what any increases may be. Have spoken to the Chief in Bristol, need more time to research other options.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Grant Permission to Advertise Bids for Animal Shelter Services. Motion passed unanimously.

H-1-OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS:

Sally Black thanked the Town Council and Barbara Pelletier on behalf of the Tiverton School Department and Rebecca Ellwell, Tiverton Prevention Coalition for the support of Project Purple.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

Administrator Wojcik echoed the President's comments on gratitude to the DPW, Police and Fire Departments for an aggressive attack on the recent storm. Will be doing an after action report, was an historic storm.

J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Sousa read a recent newspaper article on the city of Fall River's bond rating, negative zero, Tiverton is not so bad. Councilor Chabot commented on the Administrator's one year anniversary, 2/25/15, suggest thinking about a performance review for the past 6 months.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

1. Memorandum Regarding Sidewalks on State Roads – Town's Maintenance Obligations

Solicitor Teitz had provided a Memorandum on sidewalks regarding certain responsibilities for the Town.

2. Memorandum Regarding Zoning Board Attendance at Training Sessions

Solicitor Teitz had provided a Memorandum on Zoning Board attendance at training sessions, wanted to clarify.

3. Rescheduling of Workshop for All Boards, Commissions, Committees and Department Heads Regarding Open Meetings Act, Access to Public Records Act and Ethics Commission Laws to Monday, March 2, 2015

Solicitor Teitz explained due to the second storm the workshop needs to be rescheduled, looking at Monday, March 2, perhaps the Land Use committee can meet at 6pm. The workshop on Open Meetings, etc will be at the Town Hall on March 2 at 7pm.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS

Scheduling of Interviews for Legal Services

Town Clerk Mello recapped, now have 2 special meetings being scheduled for February 14 and 17 on the budget. Suggest holding February 28 as well, revenues and the final budget will be due to the Budget Committee. President deMedeiros suggested doing like the Personnel Board; numbering all the proposals, interview the top seven, doing as Executive Session. Councilor Sousa suggested having a sub-committee meet first. President deMedeiros preferred to do as a whole; Councilor Pelletier opined it would take too long. Town Clerk Mello will add a February 28 at the Town Hall in case another meeting is needed

CLOSED EXECUTIVE SESSION:

- 1. Town Administrator – Disposition of Real Property – 42-46-5(a) (5) - Industrial Park Proposal**
- 2. Solicitor – Potential Litigation – 42-46-5(a) (2) – Zoning Board**
- 3. Solicitor – Litigation – 42-46-5(a) (2) – Site Ready/LAL Construction, Inc. et al**
- 4. Solicitor – Litigation - 42-46-5(a) (2) – Town of Tiverton v. James and Melissa Pelletier**
- 5. Solicitor – Potential Litigation – 42-46-5(a) (2) – Streets**
- 6. Solicitor – Litigation - 42-46-5(a) (2) – Bourne Mills Rental 9, LLC v. Tiverton – Tax Appeal**
- 7. Councilor Perry – Collective Bargaining - 42-46-5(a) (2) – IAFF and IBPO**

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a) (5) re- Disposition of Real Property- Industrial Park Proposal. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – Potential Litigation – Zoning Board. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – Litigation – Site Ready/LAL Construction, Inc. et al. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to - 42-46-5(a) (2) – Litigation– Town of Tiverton v. James and Melissa Pelletier. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – Potential Litigation– Streets. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – Litigation–Bourne Mills Rental 9, LLC v. Tiverton – Tax Appeal. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – Collective Bargaining- 42-46-5(a) (2) – IAFF and IBPO. Motion passed unanimously.

The Council entered into Executive Session at approximately 9:50 p.m.

The Council returned to Open Session at approximately 11:40 a.m.

OPEN SESSION:

In Open Session President deMedeiros announced action was taken on item #1.

Action was also taken on Item #6 – Bourne Mills Tax Appeal to approve the settlement proposal as drafted.

Items 2, 3, 4, 5 and 7 had no formal action taken in Executive Session.

Councilor Chabot motioned to seal the minutes of the Executive Session, seconded by Councilor Perry. Motion passed unanimously.

ADJOURNMENT:

Councilor Chabot motioned to adjourn, seconded by Councilor Perry. Motion passed unanimously.

Council adjourned at approximately 11:50

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

TOWN OF TIVERTON
REVISED RESOLUTION ESTABLISHING
THE COMPREHENSIVE PLAN ADVISORY COMMITTEE

WHEREAS, the Tiverton Comprehensive Community Plan (the “Plan”) is due for an update Amendment by 2014; and
WHEREAS, Rhode Island General Laws § 45-22.2-8(a) (3) (ii) requires “citizen participation through the dissemination of information to the public and solicitation of both written and oral comments during the preparation of the plan”;

WHEREAS, the Town Council wishes to make the process as inclusive as possible, so that the Amendment to the Plan can best express the wishes of the people of Tiverton as to how and where the Town should develop and grow over the next two decades;

IT IS HEREBY RESOLVED by the Town Council of Tiverton that the Comprehensive Plan Advisory Committee (“Committee”) is hereby established and organized as follows:

1. Purpose

The purpose of the Committee shall be to provide additional citizen participation in the Plan amendment process and advise the Planning Board in the drafting of the Amendment and further advise the Planning Board and Town Council in the timely adoption of such Amendment.

2. Membership

All members of the Committee shall be electors of the Town, unless serving ex-officio or as staff (including legal advisors or planning consultants) to the Committee. The membership of the Committee shall be composed of:

- a. The Town Planner
- b. The Chair (or designee) of the Planning Board
- c. The Chair (or designee) of the Conservation Commission
- d. The Chair (or designee) of the Harbor and Coastal Waters Commission
- e. The Chair (or designee) of the Wastewater Management Commission
- f. The Chair (or designee) of the Open Space Commission
- g. The Chair (or designee) of the Economic Development Committee
- h. The Town Administrator (ex-officio)
- i. Two Members of the Town Council, appointed by the Town Council (ex-officio)
- j. Three Members to be appointed by the Town Council from the public, as set forth below:
 - i. Applications will be solicited widely through print and electronic media.
 - ii. Applicants will be requested to identify their relevant experience.

3. The Town Council shall appoint a Chair and Vice-Chair and a Secretary. The Committee shall meet at the call of the Chair or Vice-Chair. The Committee shall be deemed a public body and subject to all requirements of the Open Meetings Act and Access to Public Records Act.

4. The Committee shall report at least quarterly to the Town Council, setting forth its achievements, projects and goals. The Committee shall cease to exist on January 1, ~~2015~~ 2016.

Adopted by the Town Council on the ____ day of _____, 2015